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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,937	02/06/2001	Richard Hines	0512-032P/JAB	3238
22831	7590	06/29/2004	EXAMINER	
SCHWEITZER CORNMAN GROSS & BONDELL LLP 292 MADISON AVENUE - 19th FLOOR NEW YORK, NY 10017			BLOUNT, STEVEN	
		ART UNIT		PAPER NUMBER
		2661		4
DATE MAILED: 06/29/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/777,937	HINES, RICHARD	
	Examiner Steven Blount	Art Unit 2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 01 May 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-9 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1 and 2 is/are rejected.
- 7) Claim(s) 3-9 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 1.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 - 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,700,892 to Rabinovich.

With regard to claim 1, Rabinovich teaches a multipoint communications system with a plurality of communication units 104A, 104B, ... in figure 2 wherein each of the communication units has a plurality of framers for extracting data and sending it to users 10A (see col 5 line 67) and also for "framing" data by inserting other data in the empty spaces and sending it on to other members in the chain, 10A, or device 103. See col 5, lines 60+. See also col 6 lines 55+; and also col 7 lines 54+:

"this is done by making a chain of Access Devices 104, in which the first Access Device in the chain provides E1 data that is not destined to one of its users to a next Access Device 104 in the chain, and so on, until finally providing the E1 link, that now also contains data from users and *which are combined in the vacant E1 frames by each Access Device 104*, back to the Local Exchange box 103" (emphasis added).

See also figure 6 to note how the information is passed between the "framers" 100, 200, etc. Rabinovich also teaches control means 141 coupled to the framers to help frame the E1/T1 data (see col 1 lines 15+). Rabinovich does not, however,

explicitly teach the framers to be "protocol framers". However, one of ordinary skill in the art would recognize that creating different formats for the frames according to different protocols would be obvious in light of the fact that the frames are sent to other units, as cited above, and must conform to the units different protocols in order for the data to be able to be processed (see also the fact that the word "combined" is cited in the quotation above).

With regard to claim 2, the control means 126 is coupled to the communication ports of the framers, as shown in figure 4.

3. Claims 3 – 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten to include the limitations of the base claim and any intervening claims.

#### Remarks

4. The examiner notes that the term "protocol framer" is not explicitly defined in the specification, though the operation of the framers is described on pages 11 – 12 of the specification, as recovering clock and timing information. See especially page 11 lines 5 – 10. The examiner also notes that although a master/slave relationship is not explicitly claimed, it is a crucial part of the application, and is also discussed in col 2 lines 55+ of Rabinovich.

  
Ajit Patel  
Primary Examiner

SB  
  
6/2/04